NOTES

MYSORE GOVERNMENT SECRETARIAT

File No. PWD 81 LBW 65 (Cmd)

Department of Public works

Section Special Irrigation

Subject: ~~Cipher~~ Mysore Irrigation Act 1965 (Mysore Act 16 of 1965) and the Mysore Irrigation Rules — Clarifications sought —

References: Linked file no PWD 331 BW 64. Suppl-3.

Date	To whom sent	Notes and instructions
		Notes pages 27+20=47 Correspondence pages 30+75=125 File Class B Part [illegible] Section Note Book To be destroyed B S Sathy For Secretary to Government

2/3/65

12/6/65

Note Continuation Sheet

Subject: Mysore Irrigation Act 1865 — fixing the date.

File No. PWD 81 Cbw 65

Reference and markings	Notes and Orders.	Para Numbers

Subd:

The Mysore Irrigation Act. 1865 which received the assent of the President of India on the Twenty-third day of July 1865 has been published as Mysore Act no 16 of 1865. in the Mysore Gazette dated 18.8.1865.

A Copy of the Gazette dated 18.8.1865 is placed below. (1)

Flag M

Sub-Section 3 of the Section 1 of the Act contemplates that the Act will come into force on such date as the State Govt may, by notification, appoint. (2)

It is therefore expedient to issue a notification specifying the date on which the said Act shall come into force. (3)

A draft notification is also submitted for approval in consultation with Ld. (4)

Enclosed herewith.

21/9/65 — The first day of Oct 1865 has been proposed as the date on which the Act shall come into force.

S.
21.9.65

What about rules? The act is to be made (5)

88(1)

Secy

applicable for the entire Mysore State. Unless rules are issued it would not be possible to enforce the act. Pl discuss.

21/9/65

P.S.O

Note Continuation Sheet

Subject .....

File No: PWD 81 CSW 65

WD 014899—GPB—8,00,000—5-12-64

Reference and markings	Notes and Orders.	Para Numbers

Acclaimed from the Law Dept. They are also of the opinion that unless Rules are framed it cannot be possible to enforce the Act.

(Initialed) [illegible] 25.9.65

It is Rules which are hence Considered Separately.

25.9.65

Yes Sir.

[illegible] 27/9/65

DS (I)

Resolved.

The main file containing the draft Irrigation Rules has been submitted separately for issue of final notification.

The draft notification proposed at page 10 c.f. appointing the date on which the Act shall come into force may now be approved for issue.

15/12/65

Notification Proposed to be issued to give effect to the Irrigation act as approved by the President and published in the Mysore Gazette dated 19-8-65 (Placed below) may please be Scrutinized by LD and approved before issue.

LD)

15/12/65

Dy. Secy. to Govt. P.W.D. (Irrgn.)

Stitching

Note Continuation Sheet

Subject..... Mysore Irrigation Act 1965 — Fixing the date. File No PWD 81 CBS 65

Reference and markings	Notes and Orders	Para Numbers

The draft has been scrutinised. (13
It is desirable to fix the date and issue the notification after the Irrigation Rules as finalised are published

P.W.Dept) Mas 15/12/65

For perusal of the Notification dated 19-8-65 (Vide 14
flag 'M' of the Mysore Gazette dated 19-8-65 placed below) wherein the Irrigation act of Mysore has been published. Draft Rules in respect of the Irrigation act have been published and final notification is to be issued. Meanwhile a notification for giving effect to the act w.e.f 1/1/1966. placed at Page 1 of C/F has been got up and scrutinised by the L.D.

For perusal and approval of 15
the notification before issue

Min. P.W.D
C/F.

17/12/65
M. CHENNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

16) V.Patil 17/12/65 17)

S. NIJALINGAPPA
Chief Minister

DS (PWD-I) 18 20/12/65

P.S.O

DEPTT. OF MAIN & EXTENSION IRRIGATION & SECRETARY'S LAW DEPARTMENT No. 2146/F50 16 DEC 1965

OFFICE OF THE MINISTER FOR PUBLIC WORKS No. 2503 17 DEC 1965

OFFICE OF THE CHIEF MINISTER No. 10094 18 DEC 1965 BANGALORE

Note Continuation Sheet

Subject Mysore Irrigation Act 1965 - Fixing Schedule -

File No. RD 281 CWB 65

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers
	The Irrigation Rules 1965 have not yet been finally approved. They have again been published in the Gazette, giving the last date for receiving the objections/suggestions on 29.12.65.	19
and the Irrigation Rules.	The notification not approved, as it is simultaneously on 30.12.65 - may approved.	20
	31/12/65 21/12/65 D/SCO.	21
For B	Accordingly	
C.W. P. put up on 30.12.65 31/12	Issue 31/12/65	22
	ISSUED Date 31/12/65	
P. 30/12/65	Necessary instructions from the D/SCO) Draft is put up for approval. 20/1/66	23
	For penal paras 16 to 17 D C/N. The Irrigation rules have been finally published and the act has been given effect to from 1/1/1966. It is natural that all the Divisional Commissioners, Deputy Commissioners,	24

Stitching space

Note Continuation Sheet

Subject..... Mysore Irrigation Act 1965 - Issuing Rules

File No. PWD 81 CMS 65

Reference and markings	Notes and Orders	Para Numbers

Chief Engineer, and the other Subordinate Officers who have applied be addressing Govt for Issuing Copies for official use; hence a draft letter is proposed to be addressed to the Director of printing and Stationery to print 1000 copies each and to supply to the above officers as and when they forward requisitions to the Director of printing and Stationery on their behalf. The draft addressed to Director of printing and placed at Page 24 ante/c may be perused & approved (Secy P.W.D).

21.1.66

M. CHINNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrn.)

24/1 (25

25(1)

(26

17/1/66

ISSUED
31/1/66

(27

Dy. No. PWD 203/Spl.I/66 dt 2.2.66.

PWD for kind perusal ante 7 68/CR W/r to CM dated 31.12.65 at P. 2/ante. The D.C. Bellary has forwarded the copy (28

Note/Continuation Sheet

Subject.... Mysore Irrigation Act 1965 - fixing the date.

File No. PWD 81 LBW 65

WD 014899—GPB—8,00,000—17-8-6

Reference and markings	Notes and Orders	Para Number

This letter addressed by the Divisional Commr. Gulbarga for information submitted for orders.

Secy
31/1

The Deputy-Commr/Bellary District in his letter dated 27.1.66 addressed to the Divisional Commr. Gulbarga has sought for clarifications on the following points:-

i) He has requested to confirm whether any further notification by the Govt. authorising the levy of maintenance cess is necessary or not.

ii) The maintenance cess is fixed at Rs 4/- per acre in the new Irrigation Act. He has requested to clarify if the existing levy cess at the rate of Rs 2/- per acre may be collected in the year 1965-66. (vide item 2 in the D.O. letter)

iii) The mode of account whether the maintenance cess should be credited.

In this connection, kind reference is invited to Section 44 of the Mysore Irrigation Act 1965 relating to the levy of maintenance cess. The section is clear. 30

Initialing space

References and markings	Notes and Orders	Para Number
	No Clarifications appear to be necessary. As regards item no iii the Land Acquisition Act or the acreage ceiling is being debated. This can be confirmed by referring to Para 2 (i) of the letter addressed to the Divisional Comm. Gulbarga by the D.C. Bellary District. A copy of the receipt of Govt. Communication from the Divisional Comm. Gulbarga may also be received.	
	7/2/66	
1)	RD have issued an order transferring all the tanks under the Control of RD to P.W.D. some time back. pl put up a Copy of that order	3/
2)	According to the act a notification under Section 43 of the Irrigation act is to be issued before the Cess is levied. pl put up a Notification to that effect.	
3)	whether a Notification specifying Medium. Minor Irrigation works in the State (other than Private) will be maintained by Govt would do, or all the works have to be mentioned in the Notification is a point for Consideration	
	DM 10/2/66	

Note Continuation Sheet

Subject..... Mysore Irrigation Act 1965 - Classification re. Irrigation Tanks.

File No.....

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers
Hon'ble E	A Copy of the G.O. no RD 66 EOR 65 dated 20.11.1965 issued from the Rev. Dept. re. transfer of tanks from the control of the Rev. Dept. to the PWD is placed for perusal of C.E.	3.
P. 10 of C.E.	A charge notification as required under Section 43(b) of the Mysore Irrigation Act 65 - in regard to taking over of the tanks is herewith forwarded for perusal. This may be got countersigned by the Law Dept. In the charge notification it is proposed "all minor Irrigation tanks now under the control of the Rev. Dept." as worded in the G.O. issued from the Revenue Dept. Subject to orders - Re: para 31 ante. 16/2/66	3.

35) The Mysore Irrigation Act, 1965, has been given effect to from 1-1-1966 as per Notification No.PWI 81 IBW.65 dated 31-12-1965 (vide page 5) of the case file.

36) As per section 43 of the Act if the State Govt. considers that in the interests of the proper irrigation of the lands under any irrigation work maintained by any person or any Body of persons the work of maintenance in a fit state of repairs such irrigation

Stitching space

Note Continuation Sheet

Subject.....

File No. RD 81 (B&S) 65

References and markings	Notes and Orders	Para Numbers

works should be undertaken by the State Govt. and the cost of such maintenance or any part thereof recovered from the holders of the lands benefitted by such irrigation works the State Govt. may by Notification make Declaration to that effect and thereafter the State Govt. shall take over and maintain in a fit state of repairs such irrigation works.

37) In pursuance of the Cabinet decision Govt. in Revenue Department have issued an Order No.RD.64 LWR.65 dated 20th November,1965 (vide page 9 of the case file) stating that the minor irrigation tanks in the State under the control of the Revenue Department(but not those tanks under the control of the Local Bodies) should be transferred to the P.W.D. with immediate effect. It is also stated that the Deputy Commissioners of Districts are requested to arrange for the transfer all the maintenance of the tanks of the category stated above to the Executive Engineers concerned with immediate effect. The staff if any appointed for looking after these tanks also stands transferred to the P.W.D. with immediate effect.

38) As per section 44 of the Irrigation Act the maintenance cess at Rs.4/- per acre per annum on all lands in the area benefitted by any irrigation work maintained by State Govt. may be levied after issue of a Notification

Note Continuation Sheet

Subject: Mysore Irrigation Act 1965 - Levy of maintenance cess -

File No. PWD 81 CBW 65

WD 014899—GPB—8,00,000—17-8-58

Reference and markings	Notes and Orders	Para Number

under Section 43 of the Act. A draft Notification declaring that all Major, Medium and Minor irrigation works shall be maintained by Govt. in a fit state of repairs and to meet the cost of maintenance or any part thereto Govt. intend levying a maintenance cess of Re.1/- per acre hereafter with effect from 1-7-66 (as per Section 44), The said Notification placed at page 10 of the case file may please be perused and referred to Law Department for scrutiny before it is submitted to the Minister for approval.

19/2/66

(M.CHANNAPPA)
DY.SECRETARY TO GOVT.
P.W.D.(I)

SECRETARY TO GOVERNMENT No. PWS 10/18 Date 19 FEB 1966 PUBLIC WORKS & ELEC. DEPT.

SECY.PWD)

39) 20/2 CHANDAPPA PATEL
Secy. P. W. & Elecy. Dept.

40) Discussed with the Dy. Secy, P.W.D. (Irrigation)

21 FEB 1966 Mag 21/2/66 DEPUTY SECRETARY

41) Section 43 applies to irrigation works other than those maintained by the State Govt. & Govt. banks in respect of which the ayakatdars are legally required to attend to some maintenance cannot be considered to be works maintained by a person or body of persons as contemplated by section 43. In the circumstances, in respect of lands under irrigation.

WSD
Sri H.B.P.

Note Continuation Sheet
Subject.... Irrigation Act – Notifications 4/5 43
File No. Q. Sf Laws VII

References and markings	Notes and Orders	Para Numbers

irrigation works maintained by the State Govt., the Tungabhadra Board and the Taluk Development Boards and other authorities the maintenance cess may be levied without any separate notification.

P.W.Deptt) Mas 1/4/66 H. A. SRINIVASA, Deputy Secretary to Govt. Law Department. Joint Secretary, Law Department. 2/1/4

461.
A
Spl Instr.
4/4/66

For perusal of paras 35 to 41 of CIN. In view of the Opinion of the Law Deptt. the Divisional Commissioners and the Deputy Commissioners may perhaps be addressed to issue notice for Levy of Maintenance Cess in pursuance of Section 44 of Irrigation act 1965 given effect to from 1/1/1966. (42)

JT Secy P.W.D

M. CHANNAPPA. 4/4/66
Dy. Secy. to Govt. P.W.D. (Irrgn.)

Secy. P.W.D

A.S.(O) 4/4 43

Secy PWD) 5/4/66

Secy for MAS

2/4 44

TO GOVERNMENT No. 1966 ELEC. DEPT.

JOINT SECRETARY TO GOVT. No. 209 PUBLIC

SECRETARY TO GOVERNMENT No. LC 26 S/4 ELEC. DEPT.

12

Note] Continuation Sheet

Subject.... Mysore Irrigation Act 1865 — Levy of maintenance fees.

PWD 81/68M65
File No.....

WD 014899—GPB—8,00,000—17-8-57

Reference and markings	Notes and Orders	Para Number
	Ref. paras 40 - 42 supra	(46)
p. 11 of C.F.	Draft for appl. is put up.	
	(Sd) 11-4-66 Dept. marked & put up. 11/4 Sd/- 13/4	(46
	May be issued 13/4/66	(47)
	ISSUED Dated. 20-4-1966	
	The Director of Printing and Stationery has been supplied 50 copies of the Mysore Irrigation Act 1865 as already referred in this Dept. letter No PWD 81 68M 65 dt 29-1-1966 - placed at page 6 of C.F.	(48
p. 17 of C.F.	A Reminder is put up for approval. 21/5/66	(49
	Done 25/5	50
	ISSUED Dated. 28-5-1966	
	Receipt No. 612 dt. 30-5-66. Letter received from Law Department is placed at page No. 19 of C.F. for perusal. 31/5/66. CS Reminder sent. 31/5	51

Note/Examination Sheet

Subject: Mysore Irrigation Act 1965
levy of maintainance cess.

File No. PWD 81 LBW 65

WD 014899—GPB—8,00,000—17-6-68

Reference and markings	Notes and Orders.	Para Numbers
	Reciept No 629 Dt. 6.6.66.	
	Letter Received from The Director of printing & Stationery Bangalore ~~is~~ placed at Page 20 of C.F. for perusal. may kindly be perused.	52
	~~DS~~ 7/6	53
	7/6/66. 7/6 8/6	54
	Receipt no 635 from the D.C Shimoga Dt. -	
	For perusal. The D.C. Shimoga Division - has forwarded a copy of letter addressed to the Divisional Engineer Bangalore Dn Seeking Clarifications in regard to mode of levy and effecting recoveries of the maintenance cess as Contemplated under Section 44 of the Mysore Irrigation Act 1965.	55
Page 21 of C.F.	The Irrigation Act has come into force w.e.f. 1.1.68. The levy should be from the date of Promulgation of the Act, ~~unless~~ unless and until a date is prescribed having retrospective effect. For effecting recoveries, Sub-Section 3 of Section 44 says down that for purposes of payment and recovery of maintenance cess which is a Cess, the provisions of the Mysore Land Revenue Act 1966 and the Rules framed thereunder shall apply.	56
	However, if approved, the Receipt	57

Stitching space

830 Land II/66

File No. MD 81 CBT 65 of 196 — Mysore Government Secretariat

Serial No.

on the lines suggested in para 62 and — may be issued to the Concerned Officers

17/7/66 D/S(J) L.D)

16/7/66 67

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

68

It may kindly be stated with under what provision of law or authority irrigation cess for the year 1965-66 was collected along with land revenue.

The file may be returned after complying with the provisions of OM No GAD 2 OSM 66 d 17.5.66

P.W.D. (Irrigation)

16.7.66

F. L. F. ALVARES,
Under Secy., Law Dept.

MYSORE GOVT. SECRETARIAT No. 830 13 JUL 1966 LAW DEPT (RECEIPT)

14/7

MYSORE No. 873 18 JUL 1966 P.W.D. (RECEIPT)

16/7/66

69

Prior to the Promulgation of Mysore Irrigation Act, 1966, which has come into effect from 1-1-1966, the Mysore Irrigation Act, 1932 was in force, and the levy was being made under the provisions of the latter Act (Section 30-D of Old Act).

The Law Dept. have referred to the G.A.D's O.M. dated 17-5-1966 which contains certain instructions to be followed by consulting the Law Department, and have requested to refer the file after complying with the provisions made therein. The O.M. is placed at Page 25-9/c.f. which may kindly be seen. Accordingly, two copies of the note are placed below for being referred to Law Department.

70

27/7/66 D/S(J)

27/7/66

WD-010154-GPB-PZS-8,00,000-1-10-61

Note Continuation Sheet

Subject. The Mysore Irrigation Act 1865 — Levy of maintenance Cess —

File No. PWD 81 CRS 65

References and markings	Notes and Orders	Para Number
	8) Communication from the Divisional Comm Bangalore Division, may be awaited.	
28/6/66 8/S (9)	The matter has already been discussed in the Chamber of Revenue Secretary and decision have been taken in the matter. The Divisional Commissioner may perhaps clarify the D C's. points. Await Divisional Commissioners letter.	58
	DM 1/7/66. Receipt no 751 from Div. Comm. Mysore Dn.	
	The letter of the Divisional Comm Mysore Division received in this Secretary as noticed at page 24 of C.7, which may kindly be perused.	59
	It is stated that the Irrigation Cess at the existing rate has already been included in the L.R. demand for 1965-66 and that Levy of maintenance cess under Section 46 of the Irrigation Act for any portion of the current year would amount to Recovery of double tax for the same purpose.	60
	Section 46(2) of the Act contemplates that as and from the date of levy of the maintenance cess the irrigation cess levied as a separate charge on the lands liable to pay maintenance cess	61

Subsequent sheets

Mysore Irrigation Act 1965 — Levy of maintenance cess — PWD 81 Cbet 66

Mysore Government Secretariat — File No. — of 196 — [illegible] — [illegible] App. F. III 2

Serial No.

shall cease to be levied.

He has therefore solicited orders that in view of the fact that the maintenance cess has been ordered to be collected from 1.1.1966; whether the Irrigation Cess already collected is required to be refunded for the period for which the maintenance cess is charged.

62) For orders whether circular instructions may be issued to the effect that maintenance cess as per provision of the Irrigation Act may be collected from 1.1.1966 and the Irrigation cess already collected may be adjusted towards maintenance cess and the excess amount if any may be refunded or adjusted towards liability in respect of any later year.

accrued from 1.1.66

63) The Rs. may be requested to see remarks in the Note of the Finance under Section 44 of the Irrigation Act.

5/7/66

64) DMC 6/7/66

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

MYSORE GOVT. SECRETARIAT — 7 JUL — DEPT.

65) PWD. may be requested to consult the Law Dept.

8/7

V. NANJAIAH
Under Secy., Rev., Depts.

MYSORE GOVT. SECRETARIAT — No. 819 — 12 JUL 1966 — Sp(Irrgn)

P.W.D.

66) The L.D. may be requested to see Government's other instructions.

Note.—Contd. Sheet

Whether the remarks made at para 62 is applicable under

Note Continuation Sheet

Subject.....

9T6 Law 11/66

File No ..... / ... .

Reference and markings	Notes and Orders	Para Numbers

MYSORE GOVT. SECRETARIAT
No .....
- 6 AUG 1968
P.W.D. (SPECIAL IRRIGATION)

MYSORE GOVT. OFFICE
No. 10790
6 AUG 1968
P.W.D. (RECEIPT & ISSUE SECTION)

Kind attention is invited to the fact that Sec 30-D of the Old Act refers to contribution and not to irrigation cess. Therefore, how irrigation cess could be collected under Sec 30-D of the old Act may be Kindly clarified.

P.W.D. (Irrigation)

6/8/66

F. L. F. ALVARES,
Under Secy., Law Dept.

71

Supdt 1/8/66

72

As verified from the Irrigation Act and the Rules issued thereunder — there is no specific provision for the levy of cess ~~of~~ called "irrigation cess". There is a provision in the Old Irrigation Act, 1932 (Section 30-D) for levy of cess called "acerage contribution" which is ordered to be levied for meeting the cost of maintenance of irrigation works controlled by Govt.

73

Similar provision has also been made in the new Mysore Irrigation Act, 1965, (Vide Section 44 of the Act) entitling Govt. to levy cess called "maintenance ~~cess~~".

74

It is also laid down in ~~section 44~~ the said section that on and from the date of levy of maintenance ~~cess~~, the Irrigation Cess if any levied as a separate charge on the land liable to pay maintenance ~~cess~~ shall cease to be levied.

75

On enquiry from the Revenue Dept. it is learnt that the Cess called Irrigation Cess, is in vogue in Old Mysore Area and is being levied under the provisions contained in the Land Revenue Manual in respect of certain tanks, such as K.R.Sagar., etc.,

A1

Stitching space

Note Continuation Sheet

Subject Mysore Irrigation Act 1965 — Levy of maintenance cess —

File No. MD 8/Gen 65

WD 014899—GPB—8,00,000—11-6

References and markings	Notes and Orders	Para Numbers

The Revenue Dept. may be requested to see remarks in the matter before referring to the Law Dept. 76

2/9/66

M. CHANNAPPA
Dy. Secy. to Govt. P.W.D. (Irrgn.)

MYSORE GOVT SECRETARIAT No. 3-SEP 1966 REVENUE DEPT. (RECEIPT & ISSUE SECTION)

Revenue Dept 'F' 77

The subject matter is dealt in 'E' Section. This may be transferred to that Section

6.9.66

R.D. has no remarks to offer. 78

This may be returned to P.W.D. for further action w.r.t. to Para 76/NS.

12/9/66.

Please see paras 72 to 76 ante. 79
The P.W.D is consulting the Law Dept. Hence Rev Dept has no remarks to offer.

12/9/66

12/9/66 80

V. NANJAIAH
Under Secy., Rev., Dept.

MYSORE GOVT. SECRETARIAT No. 1307 13 SEP 1966 SECRETARIAT RECEIVED P.W.D. (SECTION)

The above remarks of the R.D may kindly be perused. The proposals made by the L.D at para 71 ante - 81

Stitching space

Sup'd, 'E' Sect 8/9/66.

RDE 404 8/66.

The letter received on 4-9-66 is also placed on the file at page 27/cp.

12/9/66.

M. G. S.

Subject: Mysore Irrigation Act 1965 — Levy of maintenance Cess —

File No. 1 19
PWD 81 CAW 65

WD 01060—GPB—6,00,000 12-12-65

have been clarified in paras 72 to 75 ante. The Rev. Dept. have also seen the note made at paras 72-75 by this Section. This may now be marked to Law Dept. for their remarks. Ref. para 71. ante.

9(13/9/66

D/S(9)

MYSORE GOVT SECRETARIAT
No. 1205
-3 OCT 1966
LAW DEPT (REGISTRARY)

82

Sd
8/10 ⑥
Flg H 83

L.D. (Opn. II)
No. 1265 Date

L.D.T.
3/10/66

M clarify the specific point on which the L.D have asked information. M discuss

A note - explaining the facts of the case and also the points - on which legal opinion is now sought has been put up and may kindly be perused. The file may kindly be returned to L.D for their decision in the matter.

16/9

1/10/66
M. CHANNAPPA.
Dy. Secy. to Govt. P.W.D. (Irrgn.)

9(1/10/66.

D/S(9), LD)

MYSORE GOVT. SECRETARIAT
No. 1493
7 OCT 1966
(RECEIPT)

84

The Land Revenue Manual referred to at A of para 75 may be Kindly made available. The provisions relied upon may be Kindly flagged.

P.W.D.
(Irrigation)

7/10/66

(Co-ordination)

MYSORE GOVT. SECRETARIAT
No. 85
7 OCT 1966
SPECIAL BRANCH

Sri. N

This may Kindly be marked to R.D for Compliance + also the relevant provision as sought by the L.D.

9(7/10/66

D/S(9), RD)

6/10/66
M. CHANNAPPA.
Dy. Secy. to Govt. P.W.D. (Irrgn.)

86

Revenue 'C' section may be requested to make available a copy of the Land Rev. Manual as requested by para and L.D.

14/10/66 14.10.66 R.D.(C.) 15/X/66

Subject: Mysore Irrigation Act 1965 File No PWD 81 LBA 66 M. G. S.

Levy of maintenance Cess ROE 4632/66

Copy of the Land Revenue Manual is not available in Rev. 'c' Section. 87

15/9/66

Rev.E.)

The relevant provisions required by PWD with reference to para 85/NS, is available in PWD file No. PWD 19 GIG 60. 88

With this information this may be returned to PWD.(Irrigation Sn)

21/X/66.

21-10-66 P. U. S.)

21/X/66

V. NANJAIAH
Under Secy., Rev., Dept.

MYSORE GOVT. SECRETARIAT No 21 OCT 1968
MYSORE GOVT. SPECIAL BRANCH No 1598 21 OCT 1968 Spl Branch
P.W.D. (REC...

Sri L

89) The file referred to above (PWD 19 GIG 60) is stated to have been destroyed — Vide Requisition Slip — Flag 'B'.

90) The Rev. Dept. may kindly enlighten this Section in the above matter from their available records as no material is available in this Section for being pursued further in the matter

21/X/66.

28/9/66.

M. CHANNAPPA
Spl. Secy. to Govt. P.W.D. (Irrgn.)

Ref. para 87/NS:-

In the absence of Land Revenue Manual, it is very difficult to furnish the material required vide para 75 and 90 NS. Anyhow, a copy of the extracts of the items constituting the "Irrigation Cess Fund" (which was obtained from Chief Engineer (General) Mysore Bangalore for file No. RO 366/LE 61)

91) E 99

MYSORE GOVT. SECRET...

29.10

Sri N

Note Continuation Sheet

Subject: Mysore Irrigation Act 1965 - Levy of Maintenance Cess

File No. PWD 8168/65 RD 4991/66

Reference and markings	Notes and Orders	Para Numbers
	is placed below; as required by PWD.	
	This may now be returned to PWD with a request to verify the same once again from C. E (General).	92
Spl Irrigation 7/XI/66	92) [signature] 7/11/66	
[stamp: P.W.D. (IRRIGATION) 8 NOV 1966]	V. NANJAIAH Under Secy., [illegible] Dept.	
[stamp: MYSORE GOVT. SECRETARIAT No. S.O. 8 NOV 1966 P.W.D. (SPECIAL IRRIGATION)]	[initials] 7-11-66 P.L.D.)	
(x) placed below - Flag Q	93) For perusal. The Revenue Dept which is an administrative Dept for purposes of implementing the provisions contained in the "Land Revenue Manual", have said that they have no spare copy of the Manual. But however, they have made available (x) relevant extracts from the Revenue Manual pertaining to levy of Irrigation Cess.	
L.D. (C[illegible] II) No. 10 NOV 1966	94) The Law Dept may be requested to offer their remarks, early as this question is pending since long for want of clarification.	
[stamp: GOVT. SECRETARIAT ... DNW 1966 ... 2]	A note explaining the facts of the case which is already put up, may be seen - Flag H.	
[initials] 11/9	[initials] This may now be marked to L.D. Ref. para 84 ante -	
LDB 11/11/66	9/11/66	
DS(9)	L.D.) [signature] 9/11/66 [illegible] [illegible] Secy. to Govt. P.W.D. ([illegible])	

Note Continuation Sheet

Subject..... Maintenance cess

PWD 81 LBW 65

File No.....

WD 014899—GPB—6,00,000—11-8-66

Reference and markings	Notes and Orders	Para Numbers
	It appears the Cabinet decided to do away with the maintenance cess leviable under the Mysore Irrigation Act 1965. The new water rate, to be levied will be inclusive of the maintenance cess. In view of this decision, the question raised in this file ie. the levy of maintenance cess from 1-1-1966, the date on which the Act of 1965 has come into force, may not arise at all. Therefore, the file has been withdrawn from U.D.	(95)
	In order to implement the decision of the Cabinet, it is necessary to amend	(96)

Writing space

M. G. S. | Subject: Maintenance cess | File No. PWD 81 LBWGS

WD 01050—GPB—8,00,000 15-12-65

amend the relevant provisions of chapter VII of the Mysore Irrigation Act 1965. Section 44 has to be deleted. Section 45 needs modification. Therefore, the Law Dept. may be requested to draft an amendment to the Mysore Irrigation Act, 1965.

The linked file RDE 146 Misc 67 may also be seen.

19/6/67

97) Furthermore, Section 43 of the Irrigation Act 1965 empowers Govt to levy Irrigation cess for maintenance by Govt and contemplates for levy and recovery of maintenance charges in the form of levy. If this levy is abolished, some other alternative have to be made for meeting the maintenance charges. Before referring to the Law Dept., the Finance Dept (Budget) may be consulted

19/6/67

Dft (9) The draft amendments to the Irrigation act as suggested above may be put up and after perusal by Secy P.WD this file may have to be referred to LD for further scrutiny.

P.T.O 20/6/67

D. No. 2227/Sel/67 (RDE 146 Misc 67)

D/r
The main file containing the Cabinet decision for abolition of maintenance cess for land revenue is LD vide their letter no. dated 13/4/67 regarding arrangements.

24)

Subject: Maintenance Cess – Amendment to the Mysore Irrigation Act, 1965.

File No. Irr 81 LBW 65

M. G. S.

Ref. Para 98. A draft Bill called the Mysore Irrigation (Amendment) Bill, 1967 is put up at Page 29/C. Section 43 of the Principal Act is proposed to be substituted by a new section by deleting the words " and the cost of such maintenance or any part thereof recovered from the holders of lands benefited by such irrigation work, ". Section 44 is proposed to be deleted. No modification is proposed to section 45 since the Tungabhadra Board and the Taluk Development Boards appear to be entitled to an amount equal to the amount collected as maintenance cess on lands. Before amending section 45, it appears necessary to make an alternate cess in respect

(99)

2227/SH/67

PWD 81-LBW65 (25

M. G. S.

Subject: Maintenance Cess — Amendments

File No.

WD 01050—GPB—8,00,000 13-12-65

of T.B. Board and Taluk Development Board,

discussed with Joint L.D.

Section 15 - field channels

Section 16(2)(a)(b) wet and dry assessment.

Section 28(3) dry or wet assessment.

Validating the water rates only by adding a new section in the Mysore Irrigation Act 1965

PWD 7 LBW 65 26/11/66.

24/6/'67

24/6/67

D/S (9)

Exhibits D pages 87, 88, 89 (from pri no PWD 10 LBW 67 has been taken) & C.A.R. at pages 88/2 c.f. for perusing the case put in this file.

(00) Discussed with the Joint Law Secretary. He suggested that a new section validating the proposed water rates only be inserted in the Mysore Irrigation Act 1965. Accordingly, a new section 45A is proposed in the draft Bill. The Joint Law Secretary also pointed out that it is desirable to amend some of the provisions of the Mysore Irrigation Act, 1965 viz. section 15 relating to field channels, section 16(2)(a)(b) regarding wet and dry assessment, section 28(3) regarding difference between dry assessment of the land and the wet assessment of the neighbouring wet lands. The question of amending these sections has already been taken up in file No. PWD 7 LBW 65 which has been referred to LD on 26.11.1966.

P.T.O

S.O. to confirm L.D.

26/6/'67

24)

Subject: Maintenance Cess Amendments to the Mysore Irrigation Act 1965 — File No. PWD 81 CBS 65 — M. G. S.

101) Another file bearing No. PWD 7 LBW 65 containing a series of Amendments to the Mysore Irrigation Act 1965, is already with the Law Dept. The Law Department may be requested to include these Amendments along with the other Amendments already proposed to the Mysore Irrigation Act, 1965, as it is learnt that the Law Dept. is placing a Bill to this effect, in the current Session of the Mysore Legislature.

This may therefore be marked to the Law Department with a request that these amendments may also be included in the proposed Bill which is being placed before the Legislature by them.

LD)

102) M. CHANNAPPA
Dy. Secy. to Govt. P.W.D. (Irrgn.)

103) Kind reference invited to the NOR made in file NO PWD 7 LBW 65

PWD)

M. L. RAMAKRISHNA
Dy. Draftsman & Ex-Officio
Dy. Secy., Law Dept.

104) Cess. Papers enclosed with the file in PWD 7 LBW 65

105) File No. PWD 7 LBW 65 is placed below for perusal. The file enclosed with this file is a Bale-pre. Matter for framing no PWD 7 LBW 65 has been returned to LD. This may be obtained from LD by a reminder. Papers 26.11.1967

106)

603/DS(D)
10/7/67
416

MYSORE
No 3831
7 NOV 1967

WD 01050—GPB—8,00,000 18-12-65

107) Resubmitted for perusal & orders with reference to para 106 supra.

28/12

108) PO. [illegible] 15.1.1969

28/12

Absent on [illegible]

28/12

109) Resubmitted for perusal & orders with ref. to para 108 supra.

17/1

110) [illegible]

17/1/69

111) [illegible] 15.2.1969

21/1/69

112) Submitted for perusal with reference to para 111 supra.

20/2

[illegible]

20/2

This may be filed as 'B' after perusal as no further action seems to be necessary.

12/6 MS (T)

B'

12-6-69.

DRAFT.

PWD 81 CBS 65 D. 31.12.65

NOTIFICATION

In Exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Irrigation Act 1965 (Mysore Act ~~No.~~ 16 of 1965) the ~~Govt.~~ Government of Mysore hereby appoints the first day ~~(or such of the date as deemed fit by Law Department)~~ of January 1966 as the date on which the said Act shall come into force.

BY ORDER ETC.,

31/12/65

D.S. TO GOVT.
P.W.D.

To

The Compiler, Mysore Gazette for favour of publication in the next issue of the Gazette.

Copy to:-

The C.E.(G), Bangalore.
The C.E.(I.P.)Bangalore.
The C.E.(Investigation of projects) Bangalore.
All the Divisional Commissioners.
All the D.Cs. of Districts.
The E.E. Dandeli.
Weekly Gazette.

GOVERNMENT OF MYSORE.

No.PWD 81 IBW 65

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 31 -12- 1965

N O T I F I C A T I O N

In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore Irrigation Act 1965 (Mysore Act 16 of 1965) the Government of Mysore hereby appoints the first day of January 1966 as the date on which the said Act shall come into force.

By Order and in the name of the
Governor of Mysore,

M. Channappa 31/12/65

(M.Channappa)
Deputy Secretary to Government,
Public Works Department (Irrgn).

ISSUED
Dated. 31-12-65

To

The Compiler, Mysore Gazette for favour of publication in the next issue of the Gazette.

Copy to:-

1. The Chief Engineer(General), Bangalore.
2. The Chief Engineer(Irrigation Projects), Bangalore.
3. The Chief Engineer(Investigation of Projects), Bangalore.
4. All the Divisional Commissioners.
5. All the Deputy Commissioners of Districts.
6. All the Executive Engineers of Divisions.
7. Weekly Gazette.

kjp/31-12-65/

GOVERNMENT OF MYSORE.

No.PWD 81 BBW 65

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 31-12-1965.

N O T I F I C A T I O N.

In exercise of the powers conferred by Sub-Section(3) of Section 1 of the Mysore Irrigation Act 1965 (Mysore Act 16 of 1965) the Government of Mysore hereby appoints the first day of January 1966 as the date on which the said Act shall come into force.

By Order and in the name of the
Governor of Mysore,

M. Channappa 31/12/65

(M.Channappa)
Deputy Secretary to Government,
Public Works Department (Irrgn)

To

The Compiler, Mysore Gazette for favour of publication in the next issue of the Gazette.

Copy to:-
The Chief Engineer(General), Bangalore.
The Chief Engineer(Irrigation Projects), Bangalore.
The Chief Engineer(Investigation of Projects), Bangalore.
All the Divisional Commissioners.
All the Deputy Commissioners of Districts. All the S.E.s' Offices (Circles)
All the Executive Engineers of Divisions.
Weekly Gazette.

kjp/31-12-65/

Subject:- The Nyasa Irrigation Act 1965 - (Nyasa Act No. 16 of 1965) & the Nyasa Irrigation Rules 1965 - Supply of copies -

To

The Director of printing & Stationery, Salisbury

Sir

I am directed to state that the Nyasa Irrigation Act 1965 has been published as Nyasa Act No 16 of 1965 in the Nyasa Gazette dated 28-8-65. This Act has also been brought into force w.e.f. 1.1.1966. The Rules under this new Act as "the Nyasa Irrigation Rules 1965" have also been finally revised and the same have been published in the Gazette of 6.1.1966.

Requisitions are being received from the Govt. Offices for supply of copies of the above Rules for official reference.

P.T.O

which have been revised newly.

I am directed to get printed [illegible] copies of the Act and supply sufficient copies of the Act & Rules to the Assns and when requisitions are received from them.

The Divisional Commrs, the D.C.S', The Chief Engineers ~~& the S.E.~~ ~~& the Executive~~ have been requested separately to send necessary requisitions direct to you for the copies of the Act & Rules as required by them.

50 copies of the Bombay Municipalities Act, along with 50 copies of rules and forms under the act may also be supplied to the Govt Secretariat for Assns reference.

21/1/66.
D.S.(J)
DWD.

Copy of the above is forwarded to

1) All the Divisional Commrs
2) All the C.E.S' (CE(10) CE(64), CE(Gen-2))
3) All the D.C.S'
4) ~~All the S.E.S' (Municipalities)~~
5) ~~All the S.E.S' ( )~~

for information. Necessary requisitions may be sent to the Director of printing & Stationery Bombay who has been requested to supply the copies of the Act & Rules direct to you.

Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-C (ii)

BANGALORE, FRIDAY, DECEMBER 31, 1965 (PUSHYA 10, SAKA ERA 1887). | No. 249

PUBLIC WORKS SECRETARIAT (IRRIGATION).

NOTIFICATION.

Bangalore, dated 31st December 1965.

S. O. 3724.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965), the Government of Mysore, hereby appoints the first day of January 1966 as the date on which the said Act shall come into force.

[No. PWD 81 LBW 65.]

By Order and in the name of the Governor of Mysore,

M. CHANNAPPA, *Deputy Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

No.PWD 81 LBW 65

Mysore Government Secretariat,
Public Works Department,
Vidhana Soudha,
Bangalore, dated, 29-1-1966.

From

The Secretary to the Govt. of Mysore,
Public Works & Elecy.Department, Bangalore.

To

The Director of Printing and Stationery,
BANGALORE.

Sir,

Sub:-The Mysore Irrigation Act 1965 (Mysore Act No.16 of 1965- the Mysore Irrigation Rules 1965-Supply of copies -

I am directed to state that the Mysore Irrigation Act 1965 has been published as Mysore Act No.16 of 1965 in the Mysore Gazette dated 19-8-1965. This Act has also been brought into force with effect from 1-1-1966. The Rules under this new Act as "the Mysore Irrigation Rules 1965" have also been finally issued and the same have been published in the Gazette of 6-1-1966.

Requisitions are being received from the Public Works Department Officers for supply of copies of the Act and Rules which have been issued newly, for official reference. I am to request you kindly to get printed (about 1000 copies) and supply sufficient copies of the Act and Rules to the officers as and when requisitions are received from them. The Divisional Commissioners, the Deputy Commissioners, the Chief Engineers have been requested separately to send necessary requisitions direct to you for copies of the Act and Rules as required by them. 50 copies of the Mysore Irrigation Act along with 50 copies of Rules and other notifications issued under the Act may also be supplied to the Public Works Department Secretariat for official reference.

Yours faithfully,

ISSUED
Dated 31/1/66 ole

M. Channappa 29/1/66
(M.Channappa),
Deputy Secretary to Government,
Public Works Department.

Copy of the above is forwarded to -

1. All the Divisional Commissioners.
2. All the Chief Engineers (C.E.(IP), CE (G...)CE(Investigation
3. All the Deputy Commissioners.

for information. Necessary requisitions may be sent to the Director of Printing and Stationery, Bangalore who has been requested to supply the copies of the Act and Rules direct to you.

D.S.Raghavendrachar, I.A.S.,
Deputy Commissioner,

Bellary;
Dt. 27-1-1966.

D.O. IRR.C.No.56/66 A-2.

Dear Sri Channappa,

Subject: Levy of Maintenance Cess on lands benefited by irrigation works.

Reference: Government Notification No. PWD.81 LBW.65 Dt. 31-12-1965.

I enclose herein a copy of my letter of even Number and date, addressed to the Divisional Commissioner, Gulbarga Division, on the above subject, for your kind information.

Yours Sincerely,

D. S. Raghavendrachar

To

Sri M.Channappa, B.E.,
A.M.I.E.,
Deputy Secretary to
Government, P.W.D.(Irrigation),
Bangalore.

IRR.C.56/66 A-2

Office of the Deputy Commissioner,
Bellary; Dt. 27-1-1966.

To

The Divisional Commissioner,
Gulbarga Division, Gulbarga.

Sir,

Subject: Irrigation - Levy of Maintenance Cess on all lands benefited by Irrigation works.

Reference: Government Notification No. PWD.81 LBW.65 Dated 31-12-1965.

The provisions of the Mysore Irrigation Act 1965 have come into force with effect from 1-1-1966 as per Government Notification cited above. Under Section 44 of the said Act, a maintenance cess at rupees four per acre per annum shall be levied on all lands in the area benefited by any irrigation work maintained by the Government, the Tungabhadra Board, or a Taluk Development Board or other authority. I request you kindly to clarify the following points to enable me to issue suitable instructions to the subordinate officers in this behalf. Irrigation cess is not levied in this district.

1. It is presumed that a further Notification by the Government authorising the levy of maintenance cess is not necessary. This may kindly be confirmed.

2. The maintenance Cess is fixed at Rs. 4/- per acre per annum. The Minor Irrigation Act 1965 is in force for a period of six months only during the year 1965-66. I request instructions whether to collect the Cess at Rs.2/- only per acre for the year 1965-66.

The Head of Account to which the maintenance Cess is to be may kindly be intimated.

Yours faithfully,

(D.S.Raghavendrachar)
Deputy Commissioner.

Secretary to Government, P.W.D. (Irrn) Bangalore
tter);
Tasildars in the District; Estate Manager, Hospet;
Assioners Bellary and Hospet for information;
A-2 and A-6.

Transfer of tanks from the control of the Revenue Department to that of Public Works Department - Orders -

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

ORDER NO. RD 64 EWR 65,
DATED BANGALORE THE 20TH NOVEMBER 1965

PREAMBLE:

It has been suggested to Government that all minor irrigation tanks which are now under the control of Revenue Department might be transferred for maintenance to the Public Works Department. The Divisional Commissioners of the Divisions who were consulted in the matter have generally agreed with the suggestions.

ORDER:

In order to ensure proper maintenance, particularly of the irrigation tanks in the State, Government are pleased to direct that all minor irrigation tanks now under the control of the Revenue Department (but not those tanks under the control of local bodies) should be transferred to the Public Works Department with immediate effect.

The staff, if any, appointed for looking after these tanks also stand transferred to the Public Works Department with immediate effect.

c. The Deputy Commissioners of Districts are requested to arrange for the transfer of the maintenance of the Tanks of the category specified above to the Executive Engineers concerned with immediate effect.

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF MYSORE

(V. NANJAIAH.)
Under Secretary to Govt., Revenue Dept.

To
The Divisional Commissioners of Divisions.
The Deputy Commissioners of Districts.
The Chief Engineer (General) Bangalore
The Chief Engineer (Irrigation projects) Bangalore
The Accountant General, Mysore, Bangalore.
The Superintending Engineers of all circles.
The Executive Engineers of all divisions.
The Public Works Department (M.G.S.)/G.A.D. (Cabinet Section)/R.G.

Sub:-The Mysore Irrigation Act 1965 - Levy of Maintenance cess on all lands benefitted by Irrigation works - clarifications --

OFFICIAL MEMORANDUM

The Deputy Commissioner, Bellary District, in his letter No.IRR.C.No.56/66-A2 dated 27.1.66 has sought for clarifications as to whether under section 44 of the Mysore Irrigation Act, 1965 a further notification by Govt. authorising the levy of maintenance cess is necessary or he should proceed further in levying the cess etc.

The matter was examined in consultation with the Law Department. ~~Section 43 of the Act applies to Irrigation works other than those mentioned by the State Govt. Govt. tanks in respect of which, the atchkatdars are legally required to attend to some maintenance cannot be considered to be works maintained by a person or body of persons as contemplated by section 43. In the circumstances,~~ In respect of lands under irrigation works ~~maintained~~ owned by the State Govt, the Tungabhadra Board and the Taluk Development Boards and other authorities, the maintenance cess may be levied without any separate notification.

The Divisional Commissioners and the Deputy Commissioners of the Districts are requested to take action for levy of maintenance cess in pursuance of section 44 of the Mysore Irrigation Act 1965 which has come into force with effect from 1.1.1966.

13/4/66

DEPUTY SECRETARY TO GOVT.
P.W.D.(IRRIGATION)

To

All the Divisional Commissioners.
All the Dy.Commissioners.
The C.E.(G), Bangalore.
The C.E.(I.P), Bangalore.
The C.E. Investigation of Projects, Bangalore.
The A.G.Mysore, Bangalore.
All the Superintending Engineers.
All Executive Engineers of P.W.D. Divisions

GOVERNMENT OF MYSORE

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, dated 15th April, 1966.

No.PWD 81 LBW 65.

OFFICIAL MEMORANDUM.

Sub:- The Mysore Irrigation Act 1965- Levy of Maintenance cess on all lands benefitted by Irrigation works- Clarifications --

The Deputy Commissioner, Bellary District, in his letter No.IRR.C.No.56/66-A2 dated 27-1-66 has sought for clarifications as to whether under section 44 of the Mysore Irrigation Act, 1965 a further notification by Government authorising the levy of maintenance cess is necessary or he should proceed further in levying the cess etc.

The matter was examined in consultation with the Law Department. In respect of lands under irrigation works owned by the State Government, the Tungabhadra Board and the Taluk Development Boards and other authorities, the maintenance cess may be levied without any separate notification.

The Divisional Commissioners and the Deputy Commissioners of the Districts are requested to take action for levy of maintenance cess in pursuance of section 44 of the Mysore Irrigation Act 1965 which has come into force with effect from 1-1-1966.

M Channappa 15/4/66

(M.Channappa)
Deputy Secretary to Government,
Public Works Department (Irrigation).

ISSUED
Dated 20.4.66

To

All The Divisional Commissioners;
All the Deputy Commissioners;
The Chief Engineer(General), Bangalore;
The Chief Engineer, Irrigation Projects, Bangalore.
The Chief Engineer, Investigation of Projects, Bangalore.
The Accountant-General, Mysore, Bangalore.
All the Superintending Engineers.
All Executive Engineers of P.W.D. Divisions.

ncj/d.14466.

[redacted]

The Director,
Printing, Stationery & Publications
(P.W.Section), Bangalore.

Sub:-Printing and Supply of Mysore Irrigation Act 1965, (Mysore Act No.16 of 1965) and the Mysore Irrigation Rules 66.

Ref:-Your No.PWD.4497/53/66-St.Ln.2-66.

Sir,

In accordance with Govt.letter bearing No.PWD.81-LBL-65 dated 20-2-66, the actual requirement for the Offices of the Revenue Department in Bijapur District was worked out and communicated to you Vide Mysore Act No.16 of 1965 and equal number of rules books for supply to the Dy.Commissioner sooner the same are printed and ready for distribution.

A

Now it is intimated by you under the letter cited that the number of copies to be printed and to be supplied is to be intimated by Law Dept.I am,however,endorsing a copy of this letter to the Law Department,in the meanwhil arrangements to supply the required No.of copies of Acts and Rules may kindly be made and intimated to this office.

Yours faithfully,

Sd/- x x x

for Dy.Commissioner,Bijapur.

B

Copy submitted to the Secretary to Govt,Law Dept, Bangalore for favour of information.

2. The requirement of Bijapur District is 40 and this may kindly be taken into consideration while intimating the Director,the No.of copies for printing and supply by him.

Copy submitted to the Secretary to Govt.P.W.Dept, Bangalore for information.

Sp. 9/4

for Dy.Commissioner,Bijapur.

@ 11/4

G..MAS.

The main file is under disposal. As this is informatory, this may be placed on the file on its return (in view of 'A' & 'B' above)

12/4/66

This may be placed on the main file after the disposal. D.Y.

OFFICE OF THE DEPUTY COMMISSIONER: CHITRADURGA DIST: CHITRADURGA.

NO.IRR.54/65-66. DATED:28th March 1966.
Enclosure: I.

To

The Divisional Commissioner,
Bangalore Division, BANGALORE-1.

Sir,

29 MAR 1966 Spl Suply RECEIPT & ISSUE

Sub: The Mysore Irrigation Act 1965 (Mysore Act 16 of 1965) The Mysore Irrigation Rules 1965 - Supply of Copies.

Ref: i. Government letter No.PWD 81 - LAW 65 dated 29th Jan.1966.

ii. Your letter No.IRR.108 C.6589/65 dt.13-3-66 addressed to the Director of Printing and Stationery, Bangalore and copied to this office.

This may be placed with the file on its return from the J.S.

5-4-66

-o-

A reference was made to the Director of Printing and Stationery in Mysore, Bangalore, for the supply of copies of Acts and Rules, with this office letter of even No.dated 20-2-1966, in response to Government letter cited above, But, he has replied in his letter No.PWS 4498/53/66 dated 12-3-66, that the copies will be arranged to be supplied when final copies and distribution list are approved by the Law Department. The copy of the reply received from the Director of Printing Stationery, Bangalore is enclosed for kind information.

Yours faithfully,

Sd/- xx
For Deputy Commissioner,
Chitradurga District.

AST.

Copy to the Secretary, to Government of Mysore, PWD and ~~Electricity~~ Deptt., Vidhana Soudha, Bangalore for favour of information.

For Deputy Commissioner,
Chitradurga District.
28/3/66

15

Copy of letter No.PWS 4498/53/66 dated 12th March 1966 from the Director of Printing Stationery and Publications, Bangalore addressed to the Deputy Commissioner, Chitradurga.

-o-

Sub: Printing and supply of Mysore Irrigation Act 1965 (Mysore Act No.16 of 1965) and the Mysore Irrgn.Rules 65.

-o-

With reference to your letter No.IRR.54/65-66 dated 20-2-66 I write to state though the printing of the above work is undertaken at the Govt.Press, Bangalore, the proof of the matter has to be got approved by the Law Department, and the number of copies that have to be printed and supplied has to be intimated by the Law Department.

Hence, the printed copies of the above Act and Rules thereunder are not ready for despatch and the same will be arranged to be supplied when final copies are printed and supply arranged as per distribution list to be received in this connection.

/COPY/

AST.

For Deputy Comm., Chitradurga.

28/2/66

GOVERNMENT OF MYSORE.

No.PWD 81 LBW 65

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 28 -3- 1966

U. O. N O T E.

Sub:- Supply of Mysore Irrigation Act 1965 (Mysore Act No.16 of 1965) and the Mysore Irrigation Rules 1965.

=====

The Law Department is requested to return this Department file No.PWD 81 LBW 65 relating to the Irrigation Act 1965 and the Rules framed thereunder sent to them on 21-2-1966, with their remarks early as the same is urgently required for reference.

28 MAR 1966

M Channappa

(M.Channappa)
Deputy Secretary to Government,
Public Works Department(Irrgn).

Law Department

Law 97/Leg.I/VII/66

kjp/25-3-66/2.

95/VII
US 02 23/2/66

may be transferred to drafting section I.

30/3/66

29-3-66

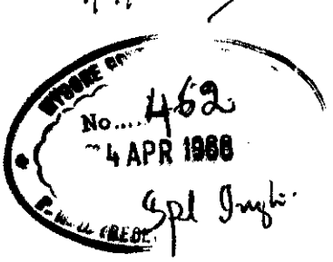
The main file bearing Land D.No 9 67/vii has since been returned to PWD today.

4/4/66

K. N. GUNDAPPA,
Asst. Draftsman (Sr. Grade)
Under Secretary

PWD

4/4/66 U-S(D)



Spl Instr.

This may be placed on the main file of the subject. The file has been submitted to-day.

4/4/66

ppendix F. G.—1]

(1)

SUBJECT ..... The Mysore Irrigation Act 1865 (Mysore Act no 16 of 1865)
..... — The Mysore Irrigation Rules 1865 — Copies of ...
.....

Diary No. of letter replied to..... .....

Section

File No.

Serial No.

Mysore Government Secretariat.

( )

the 196.

N.

To

The Director of printing
and Stationery
Bangalore.

Date of issue.....

Signed by.....

Sir;

I am directed to invite
reference to the Dept. letter (1) no
WD 81 LSW 65 dt 29.4.1966 on
the above subject and to request
that 50 Copies of the Mysore Irrigation
Act along with 50 Copies of Rules
and other notifications issued
under the Act may please be
supplied to this Dept. as early
as possible as the same are
urgently required for official reference.

3.2

by
order
Secretary

List of enclosures.....

Copied by.....

Examined by.....

WD 012116—GPB—4,00,000—7-3-68

GOVERNMENT OF MYSORE

(18)

D 81 LBW 65

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore,... 25 ....196 6.

FROM

The Secretary to the Government of Mysore,
Public Works Department, Bangalore.

To

The Director of Printing and Stationery,
BANGALORE.

Sir,

Sub:- The Mysore Irrigation Act 1965 (Mysore Act No.16 of 1965) - The Mysore Irrigation Rules 1965- Supply of copies.

I am directed to invite reference to this Deptt. letter No.PWD 81 LBW 65 dated 29/31-1-1966 on the above subject and to request that 50 copies of the Mysore Irrigation Act along with 50 copies of Rules and other notifications issued under the Act may please be supplied to this Department as early as possible as the same are urgently required for official refere

ISSUED
Dated 8.2.1966

Yours faithfully,

(S.K.Mohan),
Under Secretary to Govern
Public Works Department.

19

GOVERNMENT OF MYSORE

No. LAW 3 LMA 66.
Encl. one book

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,
Post Bag No. 352.

Dated, Bangalore, 27. May, 1966.

FROM
Under
The/ *Secretary to the Government of Mysore,*
Law Department.

To

The Director of Printing
Stationery and Publications
in Mysore, Bangalore.

Sir,

Subject:- Compilation of the Mysore Irrigation Act 1965 and the Mysore Irrigation Rules 1965 and Notifications.

In continuation of this Department's letter of even number, dated the 28th March 1966, on the above subject, I am directed to return herewith the corrected page proof of the above Act and Rules and to request that all the corrections and additions made therein may kindly be incorporated and that 15,000 copies of the book may kindly be urgently printed and supplied as follows, namely:-

1. Distribution	...	As per S.O. No. LAW 28 LMA 66 dated 11th July 1966.
2. Chief Engineer (Irrigation)	-	1,000 copies.
3. Divisional Commissioners	-	20 Copies each.
4. Deputy Commissioners of Districts	-	40 copies each.
5. Public Works Department Mysore Government Secretariat	-	50 copies.
6. Government Central Book Depot	-	Remaining Copies.

Yours faithfully,

Sd/-
(H.K. Ananthasubba Rao),
Under Secretary to Government,
Law Department.

P.T.O.

PWD

Copy to:-

1. The Chief Engineer (Irrigation) Bangalore.
2. The Public Works Department, Mysore Government Secretariat, Vidhana Soudha, Bangalore.
3. The Deputy Commissioner, Bijapur District, Bijapur, with reference to his letter No. GB.IRR. SR. 530, dated 1-4-1966.

(H.K. Ananthasubba Rao),
Under Secretary to Government,
Law Department.

SD

C.F. No. 45] GOVERNMENT OF MYSORE

OFFICE OF
Office of the Director of
Printing, Stationery & Publications,
Government Press, Bangalore-1.

No. PWS 714/4/66 ..... (P.B.No.328)

Encls. —

To

Date ..... May 1966,
Jaishta S.E.1889.

The Under Secretary to Government,
Public Works Department,
Vidhana Soudha, Bangalore.

MYSORE GOVT. SECRETARIAT
No. 629
6 JUN 1966
Spl Gmsh
P.W.D. (RECEIPT)

Sub:- The Mysore Irrigation Act 1965 (Mysore Act 16 of 1965) and Rules 1965 - supply of -

With reference to your letter No.PWD 81 LBW 65 dated 28-5-66 on the above subject, I write to state that the approved proofs of the above Act and Rules have been received yesterday, in this Press for taking further action in the matter. As soon as these copies are ready for despatch, it will be sent to the Public Works Secretariat.

Yours faithfully,

R. Narayana
for Director. 3/6/66

4/6/66

S.K. vgr/2/-

AB.Pr.230/65-66 Office of the Deputy Commissioner
Shimoga district, Dated 4-June-66.

To

The Secretary to Government of Mysore,
Public Works Department(Irrigation),
Bangalore.

Sir,

Sub - The Mysore Irrigation Act 1965 - Levy of Maintenance cess on all lands benefitted by Irrigation works - clarifications -

---

I enclose herein for favour of needful action a copy of letter addressed to the Divisional Commissioner, Bangalore Division, Bangalore on the subject cited above.

Yours faithfully,

Dft.approved by the Deputy Commissioner.

for Deputy Commissioner,
Shimoga district.

4-6-66

MYSORE GOVT. SECRETARIAT
No. 635
8 JUN 1966
Spl Grade
RECEIPT & DESPATCH

Copy of the letter No. AB. PR 230/65-66 dated 3-6-1966 from the Deputy Commissioner, Shimoga District, Shimoga to the Divisional Commissioner, Mysore Division, Bangalore.

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Subject:- The Mysore Irrigation Act 1965
Levy of Maintenance of Cess on all lands benefitted by Irrigation works Classifications.

Reference:- Government Circular No. PWD 14 CMs 64 dated 14-4-66.

2. Government O.M. No. .WD 81 LBW 65 dated 15-4-66. P.12 of C.F.

3. Your letter No. InA 6741/65-66 dated 22-4-66.

-:::-

(x) of the Mysore Irrigation Act 1965

Adverting to the above, I am to state that according to the provisions made in Section 44, (x) only Re 1/- per acre has to be levied as maintenance cess. In this connection I would like to state that the Committee which met on 17-3-66 to discuss the subject have come to a decision that 50% of the maintenance cess for 65-66 should be collected as the act has come into force from 1-1-66. There is no provision as per Section 44 of the said Act to recover 50% of the rates prescribed.

I request you therefore kindly to clarify as to the mode of levy and effecting recoveries of the cess under Section 44 of the Mysore Irrigation Act 1965. I will issue necessary instructions to the Tahsildars in this District on receipt of your communication.

-:::-

"Copy"

S. Murari 6/6/66

For Deputy Commissioner,
Shimoga District.

6.6.1966.

MYSORE GOVERNMENT SECRETARIAT

( )

NOTES.

ND 2782 E 66

File No.

FILE HEADING.

FROM—

No.	Dated	Received
Diary No.	Enclos. Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Letter No. [illegible] /A.C.(2) Dt. 24.6.66 from the Dir. Mines.

may be referred to P.W.D for clarification.

28/6

P.W.D.

V. NANJAIAH
Under Secy., Rev., Dept.

MYSORE GOVT. SECRETARIAT
No. 751
9 JUL 1966
Spl. Sright.
P.W.D. (RECEIPT)
Copies

NOTES—First Sheet.

Government of Mysore

Ref No. IRR 31 C 2704/66-67. Office of the Divisional Commissioner,
Mysore Division,
Mysore, dated 22nd June, 1966

To

The Secretary to the Government of Mysore,
Revenue Department, P. B. No. 349,
B a n g a l o r e .

Sub: Levy of maintenance cess under Section 44 of the Mysore Irrigation Act of 1965.

Ref: Proceedings of the Conference of the Deputy Commissioners of Mysore Division, held in April, 1966.

During the meeting of the Deputy Commissioners of this Division, held in April, 1966, it was pointed out by the Deputy Commissioner, Hassan, that the irrigation cess at the existing rate has already been included in the L. R. demand for 1965-66 and that levy of maintenance cess under Section 44 of the Irrigation Act for any portion of the current year would amount to recovery of double tax for the same purpose. According to section 44(2) of the Irrigation Act, 1965, on and from the date of levy of the maintenance cess, the irrigation cess levied as a separate charge on the lands liable to pay maintenance cess shall cease to be levied.

In view of the fact that the maintenance cess has been ordered to be collected from 1st January, 1966, it is a point for consideration whether the irrigation cess already collected is required to be refunded for the period for which the maintenance cess is charged. I request you to kindly clarify whether any such refund has to be made. Early reply is requested.

Yours faithfully,

(R. Ranggiah.)
for Divisional Commissioner,
Mysore Division.
22/6/66

Law Department - Consultation - Procedure to be followed -

(25)

° _ °

GOVERNMENT OF MYSORE
General Administration Department
(Organisation & Methods)

No. GAD 2 OSM 66.

Mysore Government Secretariat,
'Vidhana Soudha',
Bangalore, dated 17th May, 1966.
Vaishaka 27, S.E.1888.

OFFICIAL MEMORANDUM

With a view to enabling the Law Department to dispose of the cases referred to it by the Secretariat Departments expetiously, and in supersession of all previous instructions on the subject, the following instructions are issued regarding the procedure to be followed by the Secretariat Departments for consultation with the Law Department:

(i) In all cases where the opinion of the Law Department is sought, normally the files need not be referred to that Department; instead, the Administrative Department concerned shall prepare a comprehensive note indicating (a) all the facts of the case, (b) the points on which the opinion is sought, and (c) its own views on the points. Two copies of such note shall be sent to the Law Department. Having regard to the facts set forth in the note, the Law Department will furnish its opinion. If, in any particular case, the Law Department desires to see the file, the relevant file may be made available to it.

(ii) In complicated cases, the Secretary of the concerned Department may discuss the subject with the Secretary to the Law Department.

(iii) In all cases, where scrutiny of draft orders or notifications is to be made, the relevant files /in will have to be sent/original to the Law Department. Such files may be referred to the Law Department by the Deputy Secretary.

2. The above procedure will be in force for a period of six months in the first instance, at the end of which, its working may be reviewed and decision taken regarding its continuance.

3. It is further directed tha all opinion files pending with the Law Department as on 31-12-1965 may be referred back to the concerned Administrative Departments so that they may process these cases in accordance with the new procedure.

T.S.Narayan Rao 17/5/66

(T.S.NARAYAN RAO),
Deputy Secretary to Government,
General Administration Department,
(Administrative Reforms and O & M).

For circulation
17/5

To

The Secretaries to Government.
The Deputy Secretaries to Government.
The Under Secretaries to Government.
The Private Secretaries to Ministers.
The Personal Assistants to Deputy Ministers.
The Personal Assistants to Parliamentary Secretaries.
All Sections of the Secretariat.

Copy to: Weekly Gazette.

K. Rangiah,
Gazetted Assistant to the
Divisional Commissioner,
Mysore Division.

M y so r e-5.

Dated: 1st September, 1966.

D.O. No. IRR 31 C 2904/66-67.

Dear Sir,

Sub: Levy of maintenance cess under Section 44 of the Mysore Irrigation Act of 1965 -

Ref: Proceedings of the Conference of the Deputy Commissioners of Mysore Division held in April 1966.

--

I am desired to invite reference to this office letter of even number dated 22-6-1966 on the above subject and to state that the clarification soughtx regarding the refund of irrigation cess already collected during 1965-66 is not yet received.

RDE 3977/66
Sri N.

I am therefore, desired to request you kindly look into the matter personally and to obtain and communicate the orders of Government in the matter at an early date.

Yours sincerely,

Shri. V. Nanjaiah,
Under Secretary to Government
of Mysore, Revenue Department,
P.B. No. 349, "Vidhana Soudha,"
Bangalore-1.

B. 1191/66

C

MYSORE GOVERNMENT SECRETARIAT.

REQUISITION FOR RECORDS.

Sent to general records on 9.11.60.

7076 — C

Bangalore,

Dated 24/10/ *19*66

PWD 19 GIG 60.

1) File No. ~~PWD 884 Budget~~

District

Date 24-X-66

2) Serial No.....

3) To be put up for Diary or File No. 1598/Spl ... 1966

4) Name in Block letters of person requisitioning. LINGAIAH.

5) Signature of person requisitioning. Lingaiah

6) Designation..... Jr. Asst.

7) Department..... P. W. D.

8) Section..... Special Investigation

9) Countersignature*.....

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* In case of 'Secret'/' Top Secret' papers countersignature of Superintendent/Under Secretary will be necessary.

Note:—The consent of the Department to which the file relates should be obtained if the file indented for belongs to a different Department.

WD 011729—GPB—500 pads of 100 shts. each 11-1-1965

28-1

M. SHIVAIAH,
Gazetted Assistant to the
Divisional Commissioner
Mysore Division.

Mysore,

24th June 1967.

D.O. No.IRQ.31-C.2704/66-67.

Dear Sir,

Sub:- Levy of maintenance cess under Sec. 44 of the Mysore Irrigation Act of 1965 - clarification regarding -

Ref:- This office letter of even number dated 22.6.66.
(ii) Govt. letter No.PWD 81 LBW 65 dated 30.3.1967.

...

I am desired to invite reference to this office letter of even number dated 22.6.66 and subsequent reminders dated 1.9.66, 16.11.66, 23.12.66, 6.2.67 and 14.3.67 on the above subject and to state that the clarifications sought for from Government have not been received yet. As the matter is pending since a long time, I request you kindly to look into the matter personally and to obtain and communicate orders of Government early.

Yours sincerely,

22.6.67

Shri.S.K. Mohan,
Under Secretary to Govt.
(P.W.D.) Vidhana Soudha,
Bangalore.

M. G. S.

Subject: Levy of water Rates- Amendments- **File No.** 28-2

Extract of Paras 87, 88, 89 of PWD file No. PWD 10 LBW 67.

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(87) A revised draft is placed in the file (Pages 96-100of C/F)

(88) Rule 4 of the Amendment Rules of 1966 will have to be omitted as the revised rates now proposed is intended to be made operative from 1st July 1965. Provision for this purpose has been made.

(89) Although the Act expowers the State Govt. to make a retrospective rule, when once the power is exercised, it is doubtful whether againg another rule superseding the rule already made could be made with retrospective effect. It is therefore desirable to validate the action now proposed to be taken, while undertaking legislation to amend the Mysore Irrigation Act.

Secretarry,
P.W.D.

Sd/-(M.A.Krikrishna)
Draftsman & Ex-Officio Joint
Secretary, Law Department.

Copy

Section Officer

M.G.S.

Draft

THE MYSORE IRRIGATION (AMENDMENT) BILL 1967.

A Bill to amend the Mysore Irrigation Act, 1965.

WHEREAS it is expedient to amend the Mysore Irrigation Act, 1965;

BE it enacted by the Mysore Legislature in the ..... year of the Republic of India as follows:-

1. Short Title and commencement:- (i) This Act may be called the Mysore Irrigation (Amendment) Act, 1967.

(ii) It shall be deemed to have come into force on the first day of January 1966.

2. Substitution of new section for Section43

For section 43 of the Mysore Irrigation Act 1965 (hereinafter referred to as the Principal Act), the following section shall be substitute ~~xixxx~~ namely;-

"43. Power to take over irrigation works for maintenance by Govt.- If the State Govt. consider that in the interest of the proper irrigation of lands under any irrigation work maintained by any person or body or persons, the work of maintenance in a fit state of ~~xxpxi~~ repair of such irrigation work should be undertaken by the State Govt., the State Government may, by notification, make a declaration to that effect , and thereafter the State Govt. shall take over and maintain in a fit state

of repair such irrigation work:

PROVIDED that no artificial reservoir owned by any land holder which is actually used for the purpose of irrigation by such land holder shall be notified under this section except,

(i) on the request of land holder; or

(ii) if in the opinion of the State Govt. such notification is necessary in the public interest:

Provided further that where a notification is issued in accordance with clause (ii) of the preceding proviso, the land holder concerned shall be paid such compensation for his rights as may be awarded by the Deputy Commissioner of the district after such enquiry as may be prescribed."

3. Deletion of Section 44:- Section 44 shall be deleted.

4. Insertion of new section 45A.- After section 45 of the Principal Act, the following section shall always be deemed to have been inserted, namely:-

45A. Special Provision in respect of water rates rules. The Mysore Irrigation (levy of water Rates) (Amendment) Rules .... issued in Notification No.... dated. prescribing various water rates with effect from 1st July 1965 shall be deemed to have been validly made".